18. Missing the Opportunity to Promote Community Resilience? The Queensland Floods Commission of Inquiry

Jim McGowan

The Queensland Floods Commission of Inquiry (QFCOI), established in 2011, was given broad terms of reference for its investigation. It included: floodplain management, State and local government planning, mining industry issues, the performance of private insurers, the emergency response and dam management matters. In adopting a regulatory approach to disaster management, however, it regrettably ignored, or was unaware of, recent intergovernmental policy developments, particularly the strategic intent of the Council of Australian Governments (COAG) of building individual and community resilience. Moreover, it did not address the most significant and pressing policy issues for disaster management in Australia: the imbalance in the allocation of government resources to response and recovery through the Natural Disaster Relief and Recovery Arrangements (NDRRA), and a genuine commitment to increase investment in prevention and mitigation strategies. It might also be argued that the inquiry’s dependence on greater and more prescriptive regulation in its recommendations potentially conflicts with the agreement to reduce ‘red and green tape’ made at the COAG meeting of 12 April 2012.

The Queensland Disaster in Context

The QFCOI’s interim report of August 2011 argued that:

The floods of December 2010 and January 2011 strained the resources of a state more used to coping with drought than floods. The consequences were shocking; no one believed that people could be swept by a torrent from their homes and killed ... that nine motorists could be drowned in an attempt to negotiate floodwaters; that some towns could be completely isolated for weeks, or that every last citizen of others would have to be evacuated; that residents of cities like Ipswich and Brisbane could lose everything they owned in waters which wrecked thousands of homes. (QFCOI 2011:6)

Then, on 3 February 2011, north Queensland communities were subject to the fury of Tropical Cyclone Yasi, the largest and most intense cyclone to cross the Queensland coast in living memory.
The cumulative impact produced Queensland’s most serious and geographically extensive series of natural disasters that occurred sequentially over four months. Together they impacted on more than 78 per cent of the State. Thirty-five people died and the cost to individuals, businesses and the State has been conservatively estimated at A$7.5 billion.

### Reviewing Disaster Management Performance

In the aftermath of any natural disaster (or indeed any significant event), it is both good public policy and good practice to debrief and review the preparation for and response to that disaster. In particular, it is important to identify what worked, what did not work and what could have been improved in order to better prepare for the next event. In most cases, these reviews are relatively low-key internal processes gauging the response of agencies: police, fire, the State Emergency Services (SES) and other emergency services staff and volunteers. Other service agencies such as local governments and utilities companies (for example, electricity, telecommunications and water suppliers) whose services on the ground are critical during a natural disaster usually adopt a similar approach.

In Queensland, the disaster management framework has institutionalised this review practice with the local, district and State disaster management groups. After Cyclone Larry in March 2006, annual cyclone and storm season workshops were initiated along the Queensland coast as part of the preparation for each cyclone and storm season and involved the Bureau of Meteorology (BOM), State government agencies and local authorities.

Given the significance and tragic impact of the flooding events in Queensland in 2010–11, however, a major and external review was expected. There are commonly two options: 1) an external and public review panel led by an eminent person(s); or 2) a formal commission of inquiry utilising royal commission or judicial powers.

The eminent-person model was exemplified by Mick Keelty’s review of the Perth Hills bushfires in 2011, by Neil Comrie’s Review of the 2010–11 Flood Warnings and Response in Victoria and by the Brisbane City Council’s panel headed by former Queensland governor Peter Arnison to investigate in the aftermath of the Brisbane floods in January 2011. Generally, the eminent-person model is focused on lessons learnt and the recommendation of improvement strategies.

The more formal commission of inquiry processes were adopted by the Victorian and Queensland State governments in the case of the 2009 Victorian bushfires and 2010–11 floods in Queensland. This is understandable given the significant loss of life and acute consequences of these events.
Queensland Floods Commission of Inquiry, 2011

On 17 January 2011, just four days after the floods swamped Brisbane and Ipswich, the Queensland premier Anna Bligh announced the establishment of the Queensland Floods Commission of Inquiry (QFCOI). The inquiry (QFCOI 2011:251–3), led by Supreme Court Justice Cate Holmes, was given broad terms of reference including

- the preparation and planning for the flooding by governments at all levels, emergency services and the community
- the supply of essential services during the floods
- the adequacy of forecasts and early warning systems, with particular reference to Toowoomba and the Lockyer Valley
- compliance with, and the suitability of, dam operational procedures for safety and flood mitigation
- land-use planning to minimise flood damage
- the performance of insurers in meeting their claims responsibilities.

The commission presented an interim report on 1 August 2011, which generally focused on the operational and planning requirements to better prepare for the 2011–12 storm and cyclone season. The final report, presented on 16 March 2012, made 177 recommendations, 119 of which centred on floodplain management, State and local government planning and building controls and related issues, and mining industry planning and environmental issues. Five recommendations related to the performance of private insurers, 12 to the emergency response and the balance of 41 to dam management matters (QFCOI 2012:12–29).

Intergovernmental Policy Developments:
Resilience and shared responsibility

The focus of the commission’s recommendations—emphasising greater local and State government responsibility and more prescriptive regulation—is at odds with the February 2011 COAG-approved plan, the National Strategy for Disaster Resilience (NSDR). The NSDR (COAG 2011:2) represents a whole-of-nation resilience-based approach to disaster management, which recognises that a national, coordinated and cooperative effort is needed to enhance Australia’s capacity to withstand and recover from emergencies and disasters.

The emphasis on resilience is founded on a far broader policy approach to emergency disaster management. It relates to strategies to build community
and personal resilience so that communities and individuals are better prepared to mitigate the impact of natural disasters, respond to them and recover more effectively from them. In simple terms, resilience to natural disasters can be compared with an infection or virus. The healthier, fitter and more prepared an individual is, the quicker and more complete their recovery is likely to be.

It is a major disappointment that the Queensland floods commission provided no policy support for the NSDR or engagement with its approach. In contrast, the Comrie Victorian Floods Review (VFR) into the 2010–11 Victorian floods formally acknowledged the importance of the national resilience strategy. It stated up-front in its executive summary:

[T]he VFR is of the firm view that the most effective means of making our communities safer is to build their resilience to natural disasters ... [The NSDR] is an important reference document in this regard and the VFR offers strong support for the objectives of the strategy. (Comrie 2011:5)

**Shared Responsibility**

In building community resilience to disasters, a strengthened regulatory and planning framework is an important element, but there is much more. ‘Shared responsibility between governments, communities, businesses and individuals’ (COAG 2011) is central to an effective resilience strategy. Resilience necessitates a focus on an ‘all hazards, all agencies’ approach in which risk information and responsibility are shared across the community.

In its final report, the Victorian Bushfires Royal Commission (2010:303) commented that ‘shared responsibility’ translated to ‘increased responsibility for all’, including State agencies and municipal councils, communities, individuals and households, and that they all need to ‘take greater responsibility for their own safety’.

The Queensland floods commission has not recognised this nationally endorsed policy intent in its approach or its recommendations. As noted by the Monash Injury Research Institute in its *Review of Recent Australian Disaster Inquiries* (Goode et al. 2011:25): ‘the concept does not come across explicitly throughout the [interim] report ... The shouldering of responsibility by individuals and communities is ambiguous ... When taken together ... the recommendations advocate shared responsibility only in the sense that responsibilities of different agencies are clarified.’
Prevention as the Major Policy Gap

The serious gap in disaster management policy in Australia is the lack of integrated policy and funding frameworks focused on ‘all hazards’ and on building resilience. This involves developing effective, practical strategies to limit the impact of disasters with more effective integration of policy and programs across the *prevention, preparedness, response* and *recovery* phases of disaster management. Governments should perhaps approach disaster management as they do counterterrorism, where up-front resources are expended on preparation and prevention, and lessons learned in response and recovery are integrated back into both operational response planning and the prevention and preparedness phases. Each phase should provide feedback loops to improve performance, policy development and resourcing priorities. These feedback loops are currently weak in disaster management, as evidenced by the disproportionate allocations between the response and recovery phases and the prevention and preparation phases. In short, the latter are badly neglected.

A simple ‘risk and impact’ model comparing how we prepare against terrorism with how we prepare for natural disasters demonstrates significant differences in approach, creating a major policy gap and funding distortions. Table 18.1 captures three aspects of the different policy management approaches to such disasters: the calculated risks, the possible impact of a disaster and our relative investment priorities. In the case of counterterrorism policy, the investment priority is in the preparation and prevention phases, yet the risk is relatively low. In the case of natural disasters, which are arguably inevitable in Australia and far more common, the allocation of government resources devoted to disaster management is heavily weighted to response and recovery.

Table 18.1 A Risk and Impact Model of Disaster Management and Investment Priorities

<table>
<thead>
<tr>
<th>Potential threat</th>
<th>Risk calculation</th>
<th>Most likely impact</th>
<th>Investment priority through policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrorism threats (human-induced)</td>
<td>Low (perhaps medium on occasions)</td>
<td>Localised to widespread/ extensive</td>
<td>Investment mainly in preparation and prevention</td>
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<tr>
<td>Minor to catastrophic</td>
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<tr>
<td>Natural disasters (physical phenomena)</td>
<td>High (repeated events almost inevitable)</td>
<td>Localised to widespread/ extensive</td>
<td>Investment overwhelmingly in response and recovery</td>
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<td></td>
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<tr>
<td>Minor to catastrophic</td>
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Source: Author’s summary.
Ferris and Petz (2012:38) summarise the present policy imperative for disaster management thus:

With a disaster landscape where the past might no longer be indicative of the future, policy makers and mitigation specialists will need both foresight and guidance from ever more sophisticated climate models to take the necessary decisions to prevent and prepare for future disasters. This might require major investments in disaster mitigation measures and upgrading infrastructure as part of a climate change adaptation agenda.

**The QFCOI: A missed opportunity**

The allocation of resources to response and recovery through the NDRRA has grown exponentially in response to disaster events, from about A$40 million in 2003–04 to A$600 million in 2009–10, and to about A$1.9 billion in 2010–11. The estimated costs of the 2010–11 flooding and cyclone events in Queensland are reported to be in excess of A$7.5 billion. As a consequence of the serious financial impact, the Federal Government resorted to a 1 per cent levy on taxable income in 2011–12 to assist funding the Queensland recovery.

The commitment to, and investment in, prevention and mitigation, however, has been miserly in comparison, despite evidence of the economic returns and resilience benefits that can be expected from such investments. Research in the Australian context by the Bureau of Transport Economics in 2002 showed that flood mitigation can provide a 3:1 return on investment through the avoidance of response and recovery costs (Bureau of Transport and Regional Economics 2002). In the United States there is further research that claims a 5:1 average return on flood-mitigation investment (Rose et al. 2007:103).

The Natural Disaster Resilience Program (NDRP) is the funding source for grants to councils and other bodies ‘for emergency management activities intended to build resilience and to minimise the impact of natural disasters in Australia, including the priority areas [of] disaster mitigation, support for volunteers and consideration of the impact of climate change’ (Attorney-General’s Department 2011). It expresses a grand vision—but the funding is mere crumbs!

By way of stark comparison with the NDRRA’s costs, the entire NDRP funding of A$145.9 million was allocated over the five-year period from 2009–10 to 2013–14. In Queensland this program translates to a total of A$44 million across five years, with equal contributions coming from the Queensland and Australian governments. The financial imbalance is staggering when one considers that
in the same year, when the estimated cost of repairing the damage caused by flooding and cyclonic events was A$7.5 billion, Queensland’s allocation of NDRP funds for disaster mitigation was just A$9 million.

Regrettably, too, there are examples where roads, bridges and other critical infrastructure have been repaired using NDRRA funds only to be swept away in the next flood. Previous policy was simply to restore these assets; this is short-sighted and ultimately more expensive. More recently, there has been some acknowledgment that this infrastructure needs to be rebuilt to mitigate future risks. This approach is referred to as ‘betterment’ or ‘Building Back Better’ (Queensland Reconstruction Authority 2011:7). Despite a policy change to accommodate ‘betterment’ projects under the NDRRA in 2007, practical examples are rare, perhaps non-existent, and a significant injection/redirection of funds is needed to give effect to this aspiration.

The former Commonwealth attorney-general and minister for emergency management Robert McClelland (2012:1) has gone on public record to question whether the allocation of some of the individual hardship grants of A$1000, which were made regardless of assessed impact, would not be better used for preventative measures:

The trouble is that politicians at all levels tend to focus (and want to be seen) after a disaster occurs because that’s when it has most media attention … [and] there is a lot of money that goes into post-disaster compensation payments … I have consistently said we need to evaluate how efficient these payments are, these $1000 compensation payments. Firstly to streamline them so that we target them to those who are most in need, but secondly to look at shifting a substantial amount of that money into preventative measures.

He pointed out that A$840 million was provided in A$1000 payments to people affected by the 2010–11 floods and Cyclone Yasi. Just 10 per cent of that A$840 million would have resulted in a tenfold increase in the funds for disaster-mitigation programs in Queensland!

The president of the Local Government Association of Queensland supported McClelland’s stance and called for a review of the disaster funding priorities, indicating that government investment ‘in infrastructure offered better protection from flood, fire and cyclones’ (Bell 2012).

It may be that the State and federal budget processes are what actually frustrate other policy attempts to change the relative allocations. Robert McClelland (2012:1–2) speculated that:

Part of the problem is your pre-disaster expenditure is a budget line item. In circumstances where spending that money upfront is going
to save money downstream but at a time when the Government is, understandably, trying to achieve a balanced budget, they don’t want budget line items that involve … not insubstantial expense.

This policy impasse ought to be resolvable. The evidence in support of a change in government policy with significantly greater injection of funds into mitigation and adaptation initiatives is overwhelming. The QFCOI could have made a significant and influential contribution to the public policy debate, but it did not.

**Stuck in the Regulatory Mode**

The QFCOI’s report identified that regulatory failures relating to local government land-use planning and dam management, for example, contributed to the scale of the disaster. That is not in question. What is open for debate, however, is the prescriptive nature of the proposed regulatory requirements.

It is hardly surprising that a royal commission/commission of inquiry would present a case for greater regulation. It is the ‘nature of the beast’.¹ Such commissions are legal constructs in which the key players are highly experienced and well-credentialed lawyers. This was the case with the QFCOI as it was with the Victorian Bushfires Royal Commission. Legal training dictates such commissions will take a forensic, inquisitorial and sometimes adversarial approach to the examination of evidence, frequently in pursuit of guilt or a scapegoat. The end game seems to be to find those responsible, fully or partially, for the human tragedy and economic costs of events.

Moreover, governments which establish royal commissions/commissions of inquiry are largely obligated to accept the recommendations of the body they establish. The community would expect no less. Consequently, the State Government’s commitment to implement whatever recommendations were made was widely expected.

The QFCOI opted for a very prescriptive set of regulatory recommendations with multiple subsets of formal requirements, rather than a risk-based approach based on principles of floodplain management and planning. Its recommendations relevant to planning, building controls and the mining industry will involve much greater regulation at the State and local government levels. Its recommendations relating to flood studies and land-use planning led the commission to suggest that the Queensland Government should be

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¹ See the *Australian Journal of Public Administration* (Vol. 69, No. 4, December 2010), especially contributions by Allan Holmes and Susan Pascoe.
responsible for these actions, but if it did not accept these responsibilities then local councils should. The rationale for this approach is unclear, but does seem inconsistent with the detailed and prescriptive nature of many of the other recommendations. This lack of clarity is likely to result in ongoing arguments over which level of government should bear the costs of the implementation of these recommendations. Many local councils are simply not in a financial position to meet these additional costs. Future blame shifting between tiers of government following incomplete implementation of these recommendations seems inevitable.

To give one example, one of the QFCOI recommendations proposed an extensive flood study of the Brisbane River catchment, with the commission describing in detail the required methodology and contents of such a study almost in a checklist fashion. In this and other recommendations, the report recommends the specific criteria for sophisticated flood modelling that are unlikely to be evident in any existing flood models or maps in Queensland or nationally. In passing, the QFCOI noted that a review of ‘best practice principles’ for flood modelling has been initiated by the National Emergency Management Committee through the National Flood Risk Advisory Group (NFRAG), a group of technical experts from Geoscience Australia, the Bureau of Meteorology and a range of relevant professional disciplines. Yet the QFCOI (2012:14) seemed to believe its expertise in the area outweighed that of these expert bodies. It argued that ‘in the event the [NFRAG] review does not adequately account for Queensland conditions, the Queensland Government should produce a document that provides appropriate guidelines for floodplain management in the Queensland context’.

This presumably meant that the QFCOI wanted a document produced consistent with its recommended prescriptive methodology.

**Better Governance and Accountability?**

More legislation and additional regulation are not on their own synonymous with greater accountability. Governments already have strongly documented governance arrangements and large and complex accountability regimes. The potential consequence of the Queensland commission’s approach is that by focusing on process accountability, documentation is measured as an outcome rather than the performance of local authorities and government agencies.

By definition, greater regulation will increase costs, which would need to be met by the local and State governments through higher taxes and rates or by increased costs to developers and the building and construction industries. Inevitably these higher charges will be passed on to households and businesses.
Further experience would indicate that greater regulation increases complexity and consequently impacts on the time frames for the completion of projects subject to those regulations.

In this context, the April 2012 COAG meeting committed to a process to streamline the regulatory burden:

> COAG agreed to consider concrete measures to lift regulatory performance, including reducing complexity and duplication and increasing transparency and accountability … COAG agreed the new agenda … [which] will be supported by a National Productivity Compact: Regulatory and Competition Reform for a more Competitive Australia. The Compact … will set out a high-level statement on principles for effective regulation and reform. (COAG 2012)

If we are serious about better governance and accountability, Boin and ‘t Hart (2010:367) have already challenged the effectiveness of the regulatory approach that was the basis of the QFCOI report. They have argued that ‘the oft-observed importance of “hardware” (formal structures; technical equipment; legal frameworks) is overrated. It distracts attention from the often more salient and cost-effective, yet symbolically powerful “software” factors (leadership, training, network building, organisational culture).’

Hence, they suggest that ‘[i]nstead of going down the structural reform path, it is more helpful to identify a select set of administrative principles that have served policy-makers well in organising and managing a crisis response network’.

An alternative approach consistent with ‘building resilience’ and with COAG’s chosen direction would be higher-level principles to cover land-use planning, and floodplain modelling and mapping based on appropriate risk management to encourage confidence and a more mature relationship between industry and government. Governments need to reduce direct control and aim for increasing returns to the economy through lower implementation costs, increased industry productivity and direct measurable accountability. Our capacity and resource-constrained local councils need to focus on strategies to mitigate their future risks during natural disasters. Under this approach, some of the resources earmarked for a prescriptive regulatory framework could be redirected to prevention and preparedness initiatives.

The issue of concern, however, and a potential consequence of the QFCOI’s approach is that this becomes process accountability where the measure of accountability is the documentation not the performance of relevant agencies against their land-use and disaster management plans. Performance accountability, in contrast, would shift the emphasis to an assessment of the
outcomes and performance, rather than focusing on formal processes that are voluminous, resource intensive, not linked to performance objectives or measures and often separate from the business of the local authorities.

A further issue is the relatively narrow range of expertise in the areas of flood-risk modelling, mapping and associated floodplain management, particularly at the local government level where it will matter the most. Currently this expertise is largely confined to a small number of specialist engineering companies and individuals. We might wonder how much relevance the sophisticated and detailed flood modelling and mapping will have to the owners of land and businesses and smaller infrastructure providers who really only want to know what the risks are to their properties in a range of scenarios. In practical terms, this would be on the basis of previous reported events and possible peak flood levels.

Interestingly, a number of governments in the region (Victoria, New Zealand and Queensland) in the aftermath of major disasters have established statutory reconstruction authorities with very wide-ranging powers based upon the mantra of ‘whatever it takes’. In practical terms these authorities have focused exclusively on recovery efforts. To enable more effective post-disaster coordination, these recovery authorities have been given powers to override existing State and local government planning instruments and regulations. It can be anticipated that this approach will be replicated after each major disaster.

Paradoxically, the capacity of these recovery authorities to override existing planning instruments and regulations stands in stark contrast with the philosophy embraced by the QFCOI, favouring stronger and more prescriptive regulation.

**Other Missed Opportunities**

Notwithstanding the acknowledged effectiveness of Queensland’s response capability, there are areas that still need to be improved. Weaknesses remain in the situational awareness and intelligence-gathering capability and the information and communication systems of State agencies and local councils.

The interoperability of the communications systems of police and the emergency response agencies remains problematic. This issue was similarly exposed in the Victorian natural disasters; however, unlike the Comrie review (2011:8) into the Victorian floods, it was disappointing that the QFCOI made no specific recommendations in relation to information and communications systems. Instead, it included a statement of support for ‘the move towards interoperability between Queensland’s public safety agencies, both in narrowband communications and
through the establishment of a whole government wireless network’ (QFCOI 2012:399). The cost of this, however, would be substantial. In the current fiscal environment, a specific recommendation would have provided a much stronger case for giving priority to investment in this network, which would enhance public safety objectives for the emergency response agencies in their normal operations.

The assumptions underlying disaster management planning remain too narrow. Queensland’s preparatory thinking has been informed by previous experiences where significant flooding, storm and cyclonic events have occurred (for example, Cyclone Larry in 2006). Experiences in other States and from overseas have further honed these capabilities. Still, the flooding of 2010–11 exposed deficiencies in local planning and preparation and the variability in the capacities of different councils, as recognised by many councils themselves and reinforced in the QFCOI’s interim report.

Moreover, international experiences, from hurricanes like Katrina or earthquakes in Haiti, Japan or New Zealand, or the tsunamis in Aceh, Sumatra and Samoa, and the oil spill in the Gulf of Mexico, should alert policymakers and emergency management agencies that our planning assumptions have been too narrow (see Boin and ‘t Hart 2010:360). Training (including scenario-based exercises) must focus not only on particular skills, but also on the roles and relationships of those involved in the disaster management system.

The Challenge Ahead

The NSDR creates an imperative for all the actors involved in emergency and disaster management (governments, businesses, individuals and communities) to move beyond the traditional emphasis on response and recovery towards activities and initiatives that will build resilience to natural disasters and other emergencies. Frequent and severe natural disaster events occurring with some frequency—such as bushfires, floods and cyclones—underscore the salience of the policy directions endorsed by COAG.

‘Disaster resilience is a long-term outcome, which will require long-term commitment. Achieving disaster resilience will require achieving sustained behavioural change’ (COAG 2011:3).

The challenge to our national, State and Territory leaders, though, is obvious. They need to embrace the necessary behavioural change. It is time for the aspiration of building resilience to be supported through policy changes and resourcing priorities. COAG cannot advocate for a resilience-based approach to disaster management and then continue to deny the reality that the critical policy
gap with the NSDR is the failure of successive federal and State governments to recognise and address their funding responsibilities. Local communities and individuals urgently need assistance to reduce their exposure to natural disasters by investment in mitigation and adaptation initiatives. The missed opportunity of the QFCOI to contribute to these important policy debates is lamentable.

References


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